

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the) NOTICE OF PUBLIC HEARING
amendment of ARM 17.38.106) ON PROPOSED AMENDMENT
pertaining to fees for review)
of public water and sewage) (PUBLIC WATER SUPPLY)
system plans and)
specifications

TO: All Concerned Persons

1. On January 14, 2005, at 1:30 p.m., the Board of Environmental Review will hold a public hearing in Room 111, Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Board will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board no later than 5:00 p.m., January 3, 2005, to advise us of the nature of the accommodation that you need. Please contact the Board Secretary at P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2544; fax (406) 444-4386; or email ber@state.mt.us.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

17.38.106 FEES (1) remains the same.

(2) Fees for review of plans and specifications are based on (2)(a) through (e) and (3). The total fee for the review of a set of plans and specifications is the sum of the fees for the applicable parts or sub-parts listed in these citations. Approval will not be given until fees calculated under this rule have been received by the department.

(a) The fee schedule for designs requiring review for compliance with department Circular DEQ-1, 1999 edition, is set forth in Schedule I, as follows:

SCHEDULE I

Section 3.1 Surface water		
quality and quantity	\$ 100	<u>200</u>
structures	\$ 50	<u>100</u>
Section 3.2 Ground water	\$ 275	<u>600</u>
Section 4.1 Clarification		
standard clarification	\$ 250	<u>500</u>

solid contact units	\$ 500	<u>1,000</u>
Section 4.2 Filtration		
rapid rate	\$ 625	<u>1,250</u>
pressure filtration	\$ 475	<u>950</u>
diatomaceous earth	\$ 475	<u>950</u>
slow sand	\$ 475	<u>950</u>
Section 4.3 Disinfection	\$ 100	<u>400</u>
Section 4.4 Cation exchange softening	\$ 150	<u>500</u>
Section 4.5 Aeration		
natural draft	\$ 100	<u>200</u>
forced draft	\$ 100	<u>200</u>
Section 4.6 Iron and manganese		
control-sequestering	\$ 100	<u>200</u>
Section 4.8 Stabilization		
CO ₂ addition	\$ 150	<u>300</u>
Section 4.9 Taste and odor control		
powdered activated carbon	\$ 100	<u>400</u>
Section 4.11 Waste disposal		
alum sludge	\$ 125	<u>250</u>
lime softening sludge	\$ 125	<u>250</u>
red water waste	\$ 125	<u>250</u>
Chapter 5 Chemical application	\$ 250	<u>700</u>
Chapter 6 Pumping facilities	\$ 200	<u>700</u>
Section 7.1 Plant storage	\$ 175	<u>500</u>
Section 7.2 Hydropneumatic tanks	\$ 50	<u>200</u>
Section 7.3 Distribution storage	\$ 175	<u>500</u>
Chapter 8 Distribution system		
< 1320 lineal feet with standard specs ..	\$ 50	<u>150</u>
< 1320 lineal feet without standard specs	\$ 225	<u>450</u>
> 1320 lineal feet with standard specs ..	\$ 100	<u>300</u>
> 1320 lineal feet without standard specs	\$ 275	<u>600</u>
Main extension certified checklist	\$ 25	<u>100</u>

(b) The fee schedule for designs requiring review for compliance with department Circular DEQ-2, 1999 edition, is set forth in Schedule II, as follows:

SCHEDULE II

Chapter 10 Engineering reports and facility plans,		
engineering reports (minor)	\$ 75	<u>300</u>
comprehensive facility plan (major)	\$ 500	<u>1,000</u>
Chapter 30 Design of sewers		
< 1320 lineal feet with standard specs ..	\$ 50	<u>150</u>
< 1320 lineal feet without standard specs	\$ 225	<u>450</u>
> 1320 lineal feet with standard specs ..	\$ 100	<u>300</u>
> 1320 lineal feet without standard specs	\$ 275	<u>600</u>
Sewer extension certified checklist	\$ 25	<u>100</u>
Chapter 40 Sewage pumping station		

100 gpm or less	\$ 250	800
greater than 100 gpm	\$ 500	1,200
Chapter 60 Screening grit removal	\$ 500	1,000
Chapter 70 Settling	\$ 400	800
Chapter 80 Sludge handling	\$ 800	1,600
Chapter 90 Biological treatment	\$ 1200	2,400
non-aerated treatment ponds	\$ 400	800
aerated treatment ponds	\$ 700	1,400
Chapter 100 Disinfection	\$ 250	500
Appendices A, B, C & D (per design)	\$ 350	700

(c) The fee schedule for designs requiring review for compliance with department Circular DEQ-4, 2004 edition, is as specified in the fee schedule in ARM 17.36.802 for wastewater disposal systems.

(d) The fee schedule for designs requiring review for compliance with department Circular DEQ-3, 1999 edition, is ~~to be determined under~~ set forth in Schedule III, as follows:

SCHEDULE III

Section 3.2 Ground water	\$ 250	600
Chapter 6 Pump facilities	\$ 100	250
Chapter 7 Finished Storage/Hydro-pneumatic tanks ..	\$ 200	
Chapter 8 Distribution system	\$ 100	300

(e) The fee schedule for the review of plans and specifications not covered by a specific department design standard, but within one of the following categories, is ~~to be determined under~~ set forth in Schedule IV as follows:

SCHEDULE IV

Hypochlorinators	\$ 50	200
Ozonators up to 10 gpm	\$ 150	300
CT evaluations	\$ 100	200
Reverse osmosis up to 10 gpm	\$ 100	300
Spring box and collection lateral	\$ 100	250
Cartridge/bag filters	\$ 150	300

(3) remains the same.

(4) The fee for review of plans and specifications previously denied, for staff time over two hours, is \$50 per hour, assessed in half-hour increments, multiplied by the time required to review the plans and specifications. The review time applied to each set of plans and specifications must be determined by the review engineer and documented with time sheets. The maximum fee for each review of denied plans and specifications is \$500.

(5) The fee for review of deviations is \$100 per deviation.

(4) and (5) remain the same, but are renumbered (6) and (7).

AUTH: 75-6-108, MCA

IMP: 75-6-108, MCA

REASON: The proposed amendments are necessary to collect fees commensurate with the costs associated with plan and specification review. The policy of the Montana legislature is that the Department collects fees for review work that is equal to the costs associated with doing that review. The Department's failure to do so has been noted in past legislative audits. These amendments and additions are intended to correct that issue. In fiscal year 2004, the Department conducted 425 plan and specification reviews at an estimated cost of \$212,691. Total receipts for fees collected against those reviews equaled \$99,510. The Department is estimating an increase of 20% in plan and specification submissions for fiscal year 2005, i.e., 510. The proposed average fee increase of 220% is estimated to generate \$234,497 in fees as opposed to the cost of review estimated at \$225,000.

4. Concerned persons may submit their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to the Board of Environmental Review, P.O. Box 200901, Helena, Montana 59620-0901, faxed to (406) 444-4386 or emailed to the Board Secretary at ber@state.mt.us and must be received no later than 5:00 p.m, January 21, 2005. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

5. Thomas Bowe, attorney for the Board, has been designated to preside over and conduct the hearing.

6. The Board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine

reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Such written request may be mailed or delivered to the Board of Environmental Review, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, emailed to the Board Secretary at ber@state.mt.us, or may be made by completing a request form at any rules hearing held by the Board.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

James M. Madden

JAMES M. MADDEN

Rule Reviewer

By: Joseph W. Russell

JOSEPH W. RUSSELL, M.P.H.,

Chairman

Certified to the Secretary of State, December 6, 2004.